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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 vs.  
13 MICHAEL KAIL,  
14 Defendant.

Case No. CR 18-00172-BLF

**NON-PARTY RAVI SRIVATSAV'S  
ADMINISTRATIVE MOTION FOR  
COUNSEL TO ATTEND TRIAL IN-PERSON**

Dept: Courtroom 3- 5<sup>th</sup> Floor  
Judge: Hon. Beth Labson Freeman

Anticipated Testimony Date: April 19, 2021

Non-party witness, Ravi Srivatsav, through counsel, Christopher Cannon, moves the Court for an order granting counsel permission to attend trial proceedings in person to the extent, and during the time, that Ravi Srivatsav is called to testify.

Although undersigned counsel does not necessarily expect direct and cross-examination to tread into Ravi Srivastav's privileged communications, it is possible that privileged communications between counsel and Srivatsav could be invoked during testimony regarding the association of Srivatsav, Elastic Box and Kail. Counsel for Srivatsav should be permitted to attend trial to properly represent Srivatsav's interests (consistent with any order or direction of the Court), including raising any privilege objections. Cf. Cal. Evid. Code § 954 (stating that "the client, whether or not a party, has a privilege to refuse to disclose" privileged communications).

General Order No. 73 restricts in-person court attendance to "only persons having official court business," which includes "attorneys, parties, witnesses, or other persons who are required or permitted to attend a specific in-person court proceeding."

This Court recently granted similar requests by other witnesses' outside counsel, allowing them to attend trial in person in order to safeguard privileged communications made on behalf of non-parties. See e.g., Doc. Nos. 172, 196, 199. Counsel appreciates the Court's interest in ensuring the safety of everyone in the courtroom, and its counsel will strictly abide by the Court's safety procedures and protocols.<sup>1</sup>

Accordingly, Srivatsav, through counsel respectfully requests that this Court grant his motion permitting Christopher J. Cannon to attend trial proceedings in-person during the testimony of Ravi Srivatsav.

Dated: April 16, 2021

Respectfully submitted,

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/s/  
Christopher J. Cannon  
Attorney for RAVI SRIVATSAV

<sup>1</sup> Counsel is fully vaccinated.